IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Bail Appl..No. 5370 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRMP.11059/2007 Dated 02/07/2007

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CRIME NO.171/2007 OF NEDUPUZHA POLICE STATION

PETITIONER :

SHIJU, AGED 24 YEARS,
S/O.MANI, PADATHIPARAMBIL HOUSE,
HERBERT NAGAR, NEDUPUZHA DESOM,
KANIMANGALAM VILLAGE, THRISSUR TALUK.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY
PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5370 of 2007

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Dated this the 6th day of September, 2007

O R D E R

Application for regular bail. The petitioner faces allegations for offences punishable, inter alia, under Section 302 read with 120(b) IPC. This is the third application for regular bail. Two earlier applications were dismissed by this Court as per order dated 3.8.07 in B.A.No.4652/2007 and 14.8.07 in B.A.No.4990/2007. I have adverted the facts in detail in the said orders. It is not hence necessary for me to advert to the facts in detail in this order. Suffice it to say that this order must be read in continuation of the two earlier orders referred above.

2. The alleged incident of murder took place on 10.5.07. The petitioner was arrested on 28.06.07. He continues in custody from that date. The crux of the allegations against the petitioner is that he, as a conspirator had furnished information to the other accused about the movement of the deceased to enable them to mount the murderous attack on the victim/deceased.

3. The application for bail is opposed by the learned Public

Prosecutor. Investigation is not yet completed. In the light of the contention of the learned counsel for the petitioner that there is no material to show that the petitioner had contumacious intention, I had requested the learned Public Prosecutor to place the case diary before me. I have considered the entire materials once again. I have, in particular, been taken through the Confession Statements of the principal accused as also the petitioner herein. Other data available have also been considered. There are indications to suggest that the petitioner had facilitated the commission of the crime and had made efforts to locate the deceased to trace his movements and to promptly convey the same to the principal offenders to enable them to unleash the murderous attack on the victim/deceased. Indications are there also to suggest that the petitioner had an axe to grind against the deceased. I shall not embark on a detailed discussion on the acceptability of the allegations and the credibility of the data collected. Suffice it to say that I am not persuaded to agree that this is a fit case to grant regular bail to the petitioner at this early stage. I am satisfied that the Investigators are

certainly entitled to further time to complete the investigation.

4. In the result this application is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the sessions court for bail again at a later stage of the investigation, not at any rate, prior to 20.09.07. The Investigators shall, in the meantime, make every endeavour to complete the investigation,.

(R.BASANT, JUDGE)

sj

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PA to Judge